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9 *Attorneys for Plaintiffs Sarah Simmons, Aaron McAllister,*
10 *ROI-IT, LLC and all others similarly situated*

11 **UNITED STATES DISTRICT COURT FOR THE**
12 **DISTRICT OF NEVADA**

13 SARAH SIMMONS, an individual; AARON
14 MCALLISTER, an individual; ROI-IT, LLC, a
Nevada limited liability company on behalf of
15 themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 CACHET FINANCIAL SERVICES, a
19 California corporation; FINANCIAL
BUSINESS GROUP HOLDINGS, a California
20 corporation; MYPAYROLLHR LLC, a
21 Delaware limited liability company; CLOUD
PAYROLL, LLC, a Delaware limited liability
22 company; VALUEWISE CORP., a Delaware
corporation; MICHAEL MANN, an individual;
23 NATIONAL PAYMENT CORPORATION, a
Florida corporation,

24 Defendants.
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Case No. 2:19-cv-01624-GMN-VCF

**PLAINTIFFS' SARAH SIMMONS,
AARON MCALLISTER AND ROI-IT,
LLC'S MOTION TO HAVE COUNSEL
APPEAR TELEPHONICALLY**

1 On Tuesday, October 15, 2019, the Court scheduled a hearing on Defendant Cachet
2 Financial Services ("Cachet") and Financial Business Group Holdings' ("FBG") (together,
3 "Defendants") Emergency Motion to Extend the Deadline to Respond to the Complaint. (ECF No.
4 11.) The hearing is currently scheduled for 11:00 a.m. Friday, October 25, 2019, in Courtroom 3D.
5 Friday, October 25, 2019 is Nevada Day, which is a state holiday.

6 Plaintiffs Sarah Simmons, Aaron McAllister, ROI-IT, LLC and all others similarly situated
7 (together, "Plaintiffs") hereby request that their counsel, Lawrence J. Semenza, III, ("Mr. Semenza")
8 be given permission to appear telephonically at the hearing or, alternatively, that the Court reschedule
9 the hearing to the next available date convenient to the Court's calendar.

10 In support of their request, Plaintiffs state the following:

11 1. On October 25, 2019, Mr. Semenza is scheduled to be in Northern Alabama for a
12 short family vacation. He is intending to leave Las Vegas on Thursday, October 24, 2019 and return
13 on Sunday, October 27, 2019. Jarrod Rickard and Christopher Kircher, the other partners of
14 Plaintiffs' counsel's law firm, are also intending to be out of the jurisdiction on the day of the
15 scheduled hearing.

16 2. Based on the foregoing, Plaintiffs respectfully request the Court grant Plaintiffs'
17 Motion to Have Counsel Appear Telephonically at the October 25, 2019 hearing or, alternatively, to
18 reschedule the hearing to the next available date.

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3. If the Court grants Plaintiff's request to appear telephonically, unless otherwise instructed, Mr. Semenza will call Court chambers on the date and time of the currently scheduled hearing. He may also be reached directly at (702) 612-9813.

DATED this 18th day of October, 2019

SEMENZA KIRCHER RICKARD

The call-in telephone number is (888)273-3658, access code: 3912597. The call must be made five minutes prior to the hearing time. The court will join the call and convene the proceedings. The call must be made on a land line. The use of a cell phone or speaker phone during the proceedings is prohibited.

/s/ Lawrence J. Semenza, III

Lawrence J. Semenza, III, Esq., Bar No. 7174
Christopher D. Kircher, Esq., Bar No. 11176
Jarrod L. Rickard, Esq., Bar No. 10203
Katie L. Cannata, Esq. Bar No. 14848
10161 Park Run Drive, Ste. 150
Las Vegas, Nevada 89145

Attorneys for Plaintiffs Sarah Simmons, Aaron McAllister, ROI-IT, LLC and all others similarly situated

IT IS SO ORDERED.

Carla Fackel

UNITED STATES MAGISTRATE JUDGE

DATED: 10-18-2019

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Telephone: (702) 835-6803

CERTIFICATE OF SERVICE

I am employed by the law firm of Semenza Kircher Rickard in Clark County, Nevada. I am over the age of 18 and not a party to this action. The business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

On the 18th day of October 2019, I served the document(s), described as:

**PLAINTIFFS' SARAH SIMMONS, AARON MCALLISTER AND ROI-IT, LLC'S
MOTION TO HAVE COUNSEL APPEAR TELEPHONICALLY**

☒ by sending ☐ an original ☒ a true copy

☒ a. via **CM/ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

MCNUTT LAW FIRM, P.C.

Daniel R McNutt - drm@mcnuttlawfirm.com, lah@mcnuttlawfirm.com,
mcw@mcnuttlawfirm.com, trey@mcnuttlawfirm.com

Attorneys for Defendants Cachet Financial Services and Financial Business Group Holdings

☐ b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Semenza Kircher Rickard's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day, which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

☐ c. **BY PERSONAL SERVICE.**

☐ d. **BY DIRECT EMAIL.**

☐ e. **BY FACSIMILE TRANSMISSION.**

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Olivia A. Kelly

An Employee of Semenza Kircher Rickard